

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

# I. (a) PLAINTIFFS

Dynasty Ventures, LLC

(b) County of Residence of First Listed Plaintiff Montgomery Co, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Mario Barnebei, Esquire, Wheeler DiUlio and Barnebei PC, One Penn Center, Suite 1270; 1617 JFK Boulevard, Philadelphia, PA 19103 (215) 568-2900

# DEFENDANTS

State Farm Fire and Casualty Company

County of Residence of First Listed Defendant McLean, IL  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Pamela A. Carlos, Esquire, Bennett, Bricklin & Saltzburg, LLC, 1601 Market Street, 16th Floor, Philadelphia, PA 19103 (215) 561-4300

# II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- \* 1 U.S. Government Plaintiff
- \* 2 U.S. Government Defendant
- \* 3 Federal Question (U.S. Government Not a Party)
- \* 4 Diversity (Indicate Citizenship of Parties in Item III)

# III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                 | DEF                      |
|---|-------------------------------------|--------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Citizen of Another State                | <input type="checkbox"/>            | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/>            | <input type="checkbox"/> |

# IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

# V. ORIGIN (Place an "X" in One Box Only)

- \* 1 Original Proceeding
- \* 2 Removed from State Court
- \* 3 Remanded from Appellate Court
- \* 4 Reinstated or Reopened
- \* 5 Transferred from Another District (specify)
- \* 6 Multidistrict Litigation - Transfer
- \* 8 Multidistrict Litigation - Direct File

# VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1332, 1441 and 1446

Brief description of cause:

Breach of Contract and Bad Faith 42 Pa. CSA Sect. 8371

# VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ Over \$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes ☐ No ☒

# VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/26/2019

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

Pamela A. Carlos

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Print

Save As...

Reset

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: 1680 Pheasant Lane, Norristown, PA 19403  
 Address of Defendant: One State Farm Plaza, Bloomington, IL 61703  
 Place of Accident, Incident or Transaction: 939 W. 9th Street, Chester, PA 19013

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 04/29/2019

Pamela A. Carlos  
 Attorney-at-Law / Pro Se Plaintiff

56396

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)****A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts  
☐ 2. FELA  
☐ 3. Jones Act-Personal Injury  
☐ 4. Antitrust  
☐ 5. Patent  
☐ 6. Labor-Management Relations  
☐ 7. Civil Rights  
☐ 8. Habeas Corpus  
☐ 9. Securities Act(s) Cases  
☐ 10. Social Security Review Cases  
☐ 11. All other Federal Question Cases  
 (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☒ 1. Insurance Contract and Other Contracts  
☐ 2. Airplane Personal Injury  
☐ 3. Assault, Defamation  
☒ 4. Marine Personal Injury  
☐ 5. Motor Vehicle Personal Injury  
☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_  
☐ 7. Products Liability  
☐ 8. Products Liability - Asbestos  
☐ 9. All other Diversity Cases  
 (Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, Pamela A. Carlos, counsel of record or pro se plaintiff, do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:  
☐ Relief other than monetary damages is sought.

APR 29 2019

DATE: 04/29/2019

Pamela A. Carlos  
 Attorney-at-Law / Pro Se Plaintiff

56396

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CASE MANAGEMENT TRACK DESIGNATION FORM**

DYNASTY VENTURES LLC

v.

STATE FARM FIRE AND  
CASUALTY COMPANY

NO: 19-1826

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

4/29/19

Date

Pamela A. Carlos

Pamela A. Carlos, Esquire

State Farm Fire and Casualty Co

Attorney for Defendant

(215) 561-4300

Telephone

(215) 561-6661

FAX Number

carlos@bbs-law.com

E-Mail Address

APR 29 2019

\$400  
BMS

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

DYNASTY VENTURES LLC

v.

STATE FARM FIRE AND  
CASUALTY COMPANY

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No. 19 - CV -

1826

**NOTICE OF REMOVAL**

AND NOW, comes the defendant, State Farm Fire and Casualty Company [hereinafter "State Farm"], for the purpose only of filing a notice of removal of this case to the United States District Court for the Eastern District of Pennsylvania and respectfully avers as follows:

1. This is a civil action which was filed in the Court of Common Pleas of Philadelphia County, Pennsylvania, March Term 2019 No. 3628.
2. The action was instituted by the filing of a complaint on March 27, 2019 which was served upon State Farm on April 1, 2019. See Exhibit "1".
3. Upon information and belief, plaintiff is a limited liability corporation organized and existing under the laws of the Commonwealth of Pennsylvania.
4. State Farm is now, and was at the time plaintiff filed its complaint, an insurance company organized and existing under the laws of the State of Illinois with a principal place of business in Illinois, and therefore, is a citizen of Illinois for purposes of determining diversity. 28 U.S.C. § 1332(c)(1).

APR 29 2019

5. Since State Farm is a citizen of Illinois and plaintiff is a citizen of Pennsylvania, complete diversity existed between the parties both at the time of the filing of the complaint, and at the time of the filing of this notice of removal.

6. Based upon information and belief, the amount in controversy in this matter is in excess of Seventy-Five Thousand Dollars (\$75,000) exclusive of interest and costs for the following reasons:

- (a) Plaintiff's principle executed a Sworn Statement in Proof of Loss that the amount of the claim for which coverage was being sought is One Hundred Seventy Three Thousand Five Hundred Dollars and Zero Cents (\$175,000.00).
- (b) Plaintiff, *inter alia*, in its complaint that State Farm acted in bad faith in its handling of their claim and seeks punitive damages which are an item of damage under Pennsylvania's insurance bad faith statute at 42 Pa.C.S. §8371.
- (c) "If appropriately made . . . a request for punitive damages will generally satisfy the amount in controversy requirement because it cannot be stated to a legal certainty<sup>1</sup> that the value of the plaintiff's claim is below the statutory minimum." Hamm v. Allstate Prop. & Cas. Ins. Co., 908 F. Supp. 2d 656 (W.D. Pa. 2012).
- (f) Counsel for plaintiff has not responded to a request to cap damages at \$75,000.00.

7. 28 U.S.C. §1446(b) provides that:

The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

8. State Farm files this Notice of Removal pursuant to 28 U.S.C. §1446(b).

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<sup>1</sup>Prior to December 2011, the "legal certainty" rather than the "preponderance of the evidence" standard applied to the remand analysis.

9. This notice of removal was filed within 30 days of State Farm's receipt of plaintiff's complaint.

10. The averments made herein are true and correct with respect to the date upon which plaintiff filed its complaint and the date upon which State Farm received plaintiff's complaint.

11. State Farm has simultaneously with the filing of this notice of removal given written notice to plaintiff.

12. State Farm is filing a copy of the instant Notice of Removal and all attachments thereto with the Prothonotary of the Court of Common Pleas of Philadelphia County.

WHEREFORE, State Farm Fire and Casualty Company hereby removes this suit to this Honorable Court pursuant to the laws of the United States.

**BENNETT, BRICKLIN & SALTZBURG LLC**

**BY:**



**PAMELA A. CARLOS**

**I.D. No. 56396**

**1601 Market Street, 16th Floor**

**Philadelphia, PA 19103**

**(215) 561-4300**

**carlos@bbs-law.com**

**Attorney for Defendant**

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

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DYNASTY VENTURES LLC

v.

STATE FARM FIRE AND  
CASUALTY COMPANY

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No. 19 - CV -

**NOTICE TO PLAINTIFF**

TO: Dynasty Ventures LLC  
c/o Mario Barnebei, Esquire  
Wheeler, DiUlio & Barnabei  
One Penn Center Suite 1270  
1617 JFK Boulevard  
Philadelphia, PA 19103

Please take notice that defendant, State Farm Fire and Casualty Company, by its attorneys Bennett, Bricklin & Saltzburg LLC, has filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania regarding an action previously pending in the Court of Common Pleas of Philadelphia County, March Term 2019 No. 3628 captioned Dynasty Ventures LLC v. State Farm Fire and Casualty Company.

**BENNETT, BRICKLIN & SALTZBURG LLC**

BY:



PAMELA A. CARLOS

I.D. No. 56396

1601 Market Street, 16th Floor

Philadelphia, PA 19103

(215) 561-4300

carlos@bbs-law.com

Attorney for Defendant



IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

DYNASTY VENTURES LLC

v.

STATE FARM FIRE AND  
CASUALTY COMPANY

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No. 19 - CV -

PROOF OF FILING

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF PHILADELPHIA :

Pamela A. Carlos, Esquire, being duly sworn according to law, deposes and says that she is a member in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, State Farm Fire and Casualty Company and that she did direct the filing with the Court of Common Pleas of Philadelphia County a copy of the Notice of Removal attached hereto, said filing being made electronically on April 29, 2019.

BENNETT, BRICKLIN & SALTZBURG LLC

BY:



PAMELA A. CARLOS

I.D. No. 56396

1601 Market Street, 16th Floor

Philadelphia, PA 19103

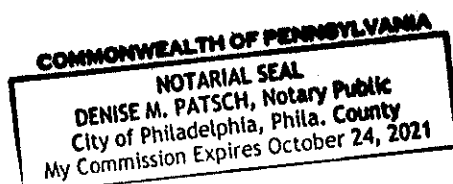
(215) 561-4300

carlos@bbs-law.com

Attorney for Defendant

Sworn to and subscribed to  
me on this 29<sup>th</sup> day  
of April, 2019

  
NOTARY PUBLIC





IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

DYNASTY VENTURES LLC

v.

STATE FARM FIRE AND  
CASUALTY COMPANY

No. 19 - CV -

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF PHILADELPHIA

**PROOF OF SERVICE**

Pamela A. Carlos, Esquire, after being first duly sworn upon oath, deposes and says that she is a member in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for the defendant, State Farm Fire and Casualty Company, that she did serve this 29<sup>th</sup> day of April, 2019 the aforementioned Notice to plaintiff upon the individual named below via email and electronic service through the Court of Common Pleas of Philadelphia County.

Dynasty Ventures LLC  
c/o Mario Barnebei, Esquire  
Wheeler, DiUlio & Barnabei  
One Penn Center Suite 1270  
1617 JFK Boulevard  
Philadelphia, PA 19103

**BENNETT, BRICKLIN & SALTZBURG LLC**

BY:



**PAMELA A. CARLOS**

**I.D. No. 56396**

**1601 Market Street, 16th Floor**

**Philadelphia, PA 19103**

**(215) 561-4300**

**carlos@bbs-law.com**

**Attorney for Defendant**

Sworn to and subscribed  
before me this 29<sup>th</sup> day  
of April, 2019.



**NOTARY PUBLIC**

**COMMONWEALTH OF PENNSYLVANIA**

**NOTARIAL SEAL**  
**DENISE M. PATSCH, Notary Public**  
**City of Philadelphia, Phila. County**  
**My Commission Expires October 24, 2021**

# EXHIBIT “1”

Court of Common Pleas of Philadelphia County  
Trial Division

# Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

**MARCH 2019**

**003628**

E-Filed Number: 1903062594

PLAINTIFF'S NAME DYNASTY VENTURES, LLC		DEFENDANT'S NAME STATE FARM FIRE AND CASUALTY COMPANY	
PLAINTIFF'S ADDRESS 1680 PHEASANT LANE NORRISTOWN PA 19403		DEFENDANT'S ADDRESS ONE STATE FARM PLAZA BLOOMINGTON IL 61710	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 10 - CONTRACTS OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)  <div style="text-align: center;"> <b>FILED</b>  <b>PRO PROTHY</b>  <b>MAR 27 2019</b>  <b>M. BRYANT</b> </div>			IS CASE SUBJECT TO COORDINATION ORDER? YES    NO
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>DYNASTY VENTURES, LLC</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY MARIO L. BARNABEI		ADDRESS LAW OFFICE OF JONATHAN WHEELER 1617 JFK BLVD SUITE 1270 PHILADELPHIA PA 19103	
PHONE NUMBER (215) 568-2900	FAX NUMBER none entered	E-MAIL ADDRESS mbarnabei@jwheelerlaw.com	
SUPREME COURT IDENTIFICATION NO. 317791		DATE SUBMITTED Wednesday, March 27, 2019, 03:01 pm	
SIGNATURE OF FILING ATTORNEY OR PARTY MARIO BARNABEI			

FINAL COPY (Approved by the Prothonotary Clerk)

**WHEELER, DIULIO & BARNABEI, P.C.**

BY: Mario Barnabei, Esquire  
Attorney I.D. No.: 317791  
One Penn Center - Suite 1270  
1617 JFK Boulevard  
Philadelphia, PA 19103  
Phone: (215) 568-2900  
Email: [mbarnabei@wdblegal.com](mailto:mbarnabei@wdblegal.com)

THIS IS NOT AN ARBITRATION CASE. JURY TRIAL WAIVED. Filed and Attested by the  
Office of Judicial Records

27 MAR 2019 03:01 pm  
Attorney ID: 317791(s)  
JUDICIAL DISTRICT OF PHILADELPHIA

Dynasty Ventures, LLC  
1680 Pheasant Lane  
Norristown, PA 19403

vs.

State Farm Fire and Casualty Company  
One State Farm Plaza  
Bloomington, IL 61710

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

MARCH TERM, 2019

DOCKET NO.

**CIVIL ACTION COMPLAINT (IC - Contract)**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the Claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION  
Lawyer Referral Service  
1101 Market St., 11th Floor  
Philadelphia, PA 19107-2911  
Telephone: 215-238-6333  
Fax: 215-238-1159

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascender una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFA  
Servicio De Referencia E Informacion Legal  
1101 Market Street, 11th Floor  
Philadelphia, Pennsylvania 19107  
(215) 238-6333

THIS IS NOT AN ARBITRATION CASE.  
JURY TRIAL WAIVED.

**WHEELER, DIULIO & BARNABEI, P.C.**

BY: Mario Barnabei, Esquire  
Attorney I.D. No.: 317791  
One Penn Center - Suite 1270  
1617 JFK Boulevard  
Philadelphia, PA 19103  
Phone: (215) 568-2900  
Email: [mbarnabei@wdblegal.com](mailto:mbarnabei@wdblegal.com)

Attorney for Plaintiff(s)

Dynasty Ventures, LLC  
1680 Pheasant Lane  
Norristown, PA 19403

vs.

State Farm Fire and Casualty Company  
One State Farm Plaza  
Bloomington, IL 61710

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

MARCH TERM, 2019

DOCKET NO.

**CIVIL ACTION COMPLAINT (1C - Contract)**

1. Plaintiff, Dynasty Ventures, LLC is a corporate entity duly organized and existing under the laws of the Commonwealth of Pennsylvania which maintains its principal place of business at the address set forth above.

2. Defendant, State Farm Fire and Casualty Company, is a corporation duly organized and existing which is authorized to conduct business as an insurance company within the Commonwealth of Pennsylvania and maintains a place of business for that purpose at the address set forth above and regularly issues policies of insurance within the City and County of Philadelphia.

3. Defendant, in its regular course of business issued to Plaintiff a policy of insurance ("the Policy") covering Plaintiff's property located at 939 West 9<sup>th</sup> St., Chester, PA, 19013 ("the Property"). A copy of the Policy is not in Plaintiff's possession, but a copy of same is believed to be in defendant's care, custody and control.

4. On or about March 28, 2018, while the Policy was in full force and effect, Plaintiff suffered direct physical loss and damage to the insured Property believed to be the result of a peril insured against under the Policy, resulting in damage to the insured premises.

5. Notice of this covered loss was given to Defendant in a prompt and timely manner and Plaintiff, at all relevant times, fully complied with all of the terms and conditions required by the Policy.

6. Defendant, despite demand for benefits under the Policy, has refused, without legal justification or cause, and continues to refuse, to pay to Plaintiff monies owed for the damages suffered as a result of the Loss.

7. Solely as a result of Defendant's failure and refusal to pay benefits to Plaintiff as required under the Policy, Plaintiff has suffered loss and damage in an amount in excess of \$50,000.00.

**COUNT I**  
**In Assumpsit - Breach of Contract**

8. Plaintiff incorporates by reference the facts and allegations contained in the foregoing paragraphs as though fully set forth hereinafter at length.

9. Defendant is obligated by the terms of the contract to indemnify Plaintiff's loss.

10. Despite submission of reasonable proof and demand for full and complete payment with respect to Plaintiff's Loss, Defendant has not paid to Plaintiff all of the policy benefits to which they are entitled under the Policy.

11. Defendant's denial of coverage was made without a reasonable basis in fact.

12. Defendant's refusal to indemnify Plaintiff's loss constitutes a breach of the insurance contract.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount in excess of \$50,000.00, together with interest and court costs.

**COUNT II**  
**In Trespass - 42 Pa.C.S.A. §8371**

13. Plaintiff incorporates by reference the facts and allegations contained in the foregoing paragraphs as though fully set forth hereinafter at length.

14. Defendant has engaged in bad faith conduct toward Plaintiff with respect to its adjustment of Plaintiff's covered Loss, in violation of 42 Pa.C.S.A. §8371 et seq.

15. In furtherance of its bad faith and wrongful denial and refusal to pay benefits for Plaintiff's covered Loss, Defendant, acting by and through its duly authorized agents, servants, workmen or employees has engaged in the following conduct:

a. in purposefully and unreasonably delaying the adjustment of Plaintiff's claim and in participating in the misrepresentation as to the cause of loss and the cost to repair Plaintiff's damaged Property;

b. in repeatedly ignoring Plaintiff's requests for a coverage decision which was aimed at avoiding litigation, but instead, by doing so, forcing Plaintiff to initiate a legal proceeding;

c. in purposefully withholding benefits due and owing under the policy, without any reasonable basis;

d. in purposefully evading of the spirit of the bargain, exhibiting a lack of diligence and completely slacking off with respect to the investigation and adjustment of Plaintiff's claim;



e. in failing to complete a prompt and thorough, good faith investigation of Plaintiff's claim, and specifically taking over one (1) year from the date of loss to investigate Plaintiff's claim and, even then, refusing to issue a coverage decision;

f. in failing to pay Plaintiff's covered loss in a prompt and timely manner;

g. in acting in a dilatory manner and without proper diligence in investigating Plaintiff's claim;

h. in frivolously and baselessly refusing to pay the proceeds of the policy due and owing to Plaintiff;

i. in failing to objectively and fairly evaluate Plaintiff's claim;

j. in conducting an unfair and unreasonable investigation of Plaintiff's claim;

k. in asserting potential Policy defenses without a reasonable basis in fact;

l. in flatly misrepresenting pertinent facts or policy provisions relating to coverages at issue and placing unduly restrictive interpretations on the Policy and/or claim forms;

m. in failing to properly communicate with the Plaintiff regarding the status of their claim and failing to keep Plaintiff or their representatives fairly and adequately advised as to the status of the claim in violation of the Pennsylvania Unfair Claims Practices Act;

n. in unreasonably valuing the loss and failing to fairly negotiate the amount of the loss with Plaintiff or their representatives;

o. in failing to promptly provide a reasonable factual explanation of the basis for the denial of Plaintiff's claim;

p. in unreasonably withholding policy benefits;

q. in acting unreasonably and unfairly in response to Plaintiff's claim;

r. in unnecessarily and unreasonably compelling Plaintiff to institute this lawsuit to obtain policy benefits for a covered loss, that Defendant should have paid promptly and without the necessity of litigation.

16. For the reasons set forth above, Defendant has acted in bad faith in violation of 42 Pa.C.S.A. §8371, for which Defendant is liable for statutory damages including interest from the date the claim was made in an amount equal to the prime rate of interest plus three percent, court costs, attorneys' fees, punitive damages, and such other compensatory and/or consequential damages as are permitted by law.

**WHEREFORE**, Plaintiff demands judgment against Defendant in an amount in excess of \$50,000.00, together with interest, court costs, counsel fees and damages for delay.

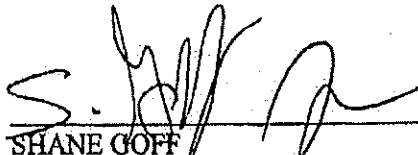
WHEELER, DiULIO & BARNABEI, P.C.

BY: /s/ Mario Barnabei  
Mario Barnabei, ESQUIRE  
Attorney for Plaintiff(s)

Date: March 27, 2019

**VERIFICATION**

The undersigned hereby states that he is the plaintiff in this action and that the statements of fact made in the foregoing document are true and correct to the best of his information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
SHANE COFF  
DYNASTY VENTURES, LLC

DATE: 3-20-19